REMARKS

The Office Action mailed September 24, 2004 has been reviewed and its contents

carefully considered.

Claims **48-61, 63-65, 67-76, 78-82, 84-88, 90-93, and 95-100** remain pending in the

present application. By this amendment, claims **48, 50-59, 63, 67, 69, 78, 84, 90-92, 98, 99, 100**

are amended and claim **66** is canceled without prejudice or disclaimer to the subject matter set

forth therein. For the reasons set forth below, it is respectfully submitted that the claims are in

condition for allowance.

A.   The Rejections based on Nierlich, Anderson and Kekic

In the Office Action, claims 48-49, 57-61, 63-64, 72-76, 92, and 98 are rejected under 35

U.S.C. 102(e) as being anticipated by Nierlich (U.S. Patent 6,519,509). Further, the Office

Action rejects claims 50-53, 65-68, 78-82, 84-88, 90-91, 95, 97 and 99-100 under 35 U.S.C.

103(a) as being unpatentable over Nierlich in view of Anderson (U.S. Patent 6,578,142).

Additionally, the Office Action rejects claims 54, 56, 69, 71, and 96 under 35 U.S.C. 103(a) as

being unpatentable over Nierlich in view of Anderson, and further in view of Kekic (U.S. Patent

6,272,537).

Applicant respectfully submits that the applied art fails to teach or suggest the features of

the claimed invention as recited in amended claim 48. Features of previously presented claim 54

have now been added to claim 48. The other independent claims have been amended in a

manner similar to claim 48.

Amended claim 48 recites a method of integrating a software system over a network,

comprising receiving an order for a software system from a user for a user system at a server

over the network; configuring the user system over the network; and installing the software

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system on the user system over the network; and wherein the software system comprises a power management control system; and developing at least one software application for the software system; *customizing a screen design for the software system over the network; and integrating the at least one software application and the screen design for the application to produce an integrated software system.*

As described in the Abstract, Nierlich is directed to systems that monitor and control energy distribution for energy Service Providers and end-users. Nierlich describes a system includes a publicly or privately accessible distributed network, a network access device, and a management device. The network access device communicates with the management device through the distributed network to control loads at a remote location. Nierlich describes the method of monitoring and controlling energy distribution receives data at an on-line site, processes an application program that evaluates load and market supply data, and initiates power curtailment requests or power curtailment events.

The Office Action proposes to combine the teachings of Nierlich and Anderson. In particular, the Office Action asserts that regarding claims 48, 63, 92, and 98, Nierlich discloses a method of integrating a software system over a network, comprising: (a) receiving an order for a software system from a user for a user system at a server over the network (Column 5, lines 31 - 33); (b) configuring the user system over the network (Column 5, lines 39 - 45; Column 6, lines 58 - 60); and (c) installing the software system on the user system over the network (Column 5, lines 45 - 46); and wherein the software system comprises a power control system (Column 3, lines 26 - 30).

In the rejections, the Office Action asserts that Anderson teaches a system of initializing software applications on a computer and the steps of (d) transmitting the order for a software

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system to a development facility (Column 3, line 64 - Column 4, line 3); and (e) receiving at

least one software application for the software system from the development facility (Column 5,

lines 33 - 38). The Office Action concludes that it would have been obvious to one of ordinary

skill in the art at the time the invention was made to use Anderson's teaching on Nierlich's

remote installation of a power management control system in order to give the user more control

over what items are going to be placed based on the configuration of the user system (Column 5,

lines 21 - 38).

The Office Action also relies on the teachings of Kekic in the rejections. Kekic is

directed to a method for building element manager for a computer network element using a

visual element manager builder process. Kekic teaches in column 4, line 65 - column 5, line 14,

that a managed element server of the Kekic invention is a comprehensive open, standards-based

network management solution for computer networks having a computer network management

capability. The managed element server efficiently manages a constantly changing and growing

heterogeneous computer network.

In particular, in column 5, lines 7-15, Kekic describes that the client-server network

management system of the Kekic invention includes: a plurality of managed computer network

elements, sometimes called managed elements; a managed element server that executes on a first

computer; and at least one managed element server client that typically executes on a second

computer. The managed element server and managed element server client are computer

processes that execute from memory of their respective computers.

On pages 5-6, the Office Action asserts that Nierlich in combination with Anderson

discloses the steps of (n) developing at least one software application (Anderson, Column 5, lines

33 - 38); (o) creating supplier links for ordering material over the network (Anderson, Column 5,

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lines 36 - 38); but does not explicitly indicate the steps of (p) customizing a screen design for the software system over the network; and (q) integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system.

The Office Action attempts to cure such deficiencies with the teachings of Kekic. The Office Action asserts that Kekic teaches customizing a screen design for the software system over the network (Column 5, lines 36 - 39; Column 8, lines 42 - 49; Column 9, lines 4 - 8); and that it would have been obvious to one of ordinary skill in the art to include Kekic's screen design system if a screen design needed to be added to the combination of Neirlich and Anderson's computer system if the system to allow a user interface that is configured to have the elements of the system network hardware add software applications (Column 5, lines 25 - 30; 52 - 56). The Office Action concludes that the combination would lead to the integrating of at least one software application, the supplier links and the screen design for the application to produce an integrated software system because it would have been determined together (Anderson, Column 5, lines 14 - 17) and combined to provide the additional content to the user system (Anderson, Column 5, lines 17 - 21).

These assertions as set forth in the Office Action, and in particular those assertions regarding the feature of customizing the screen design, are respectfully traversed. In particular, claim 48 recites a method of integrating a software system over a network, comprising *configuring the user system over the network; and customizing a screen design for the software system over the network: and integrating the at least one software application and the screen design for the application to produce an integrated software system.*

Nierlich is directed to systems that monitor and control energy distribution. In contrast, Kekic is directed to a method for building an element manager for a computer network element

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using a visual element manager builder process. Further to the discussion of Kekic above, in column 4, lines 58-64, Kekic further describes the challenge is clear - how can a group of network managers efficiently manage a constantly changing and growing network which is composed of a wide array of heterogeneous elements, that are produced by different vendors, and that support many different platform types? Kekic describes that any solution must be simple, flexible, robust, secure, collaborative, and most importantly has to work.

In column 5, lines 24-50, Kekic teaches the client-server network management system provides a new capability for creating a managed element template, called an element manager, for a management-enabled computer network element, such as a bridge, a workstation, or perhaps, a computer software application that is executing a computer system connected to the network. A user can build an element manager without writing any computer code. In addition, a user can edit an element manager without writing any computer code. Moreover, since the computer processes are platform independent, the user does not need to be working on a particular type of computer platform to build an element manager. As referenced in the Office Action, Kekic teaches (column 5, lines 36-39) the user utilizes an intuitive graphical user interface (GUI) not only to "builder element managers," but also to utilize the managed element server of this invention in managing computer network elements. Kekic goes on to describe the graphical user interface of the Kekic invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. Kekic teaches the user can select one of the components by clicking on a representation of the component in a navigation tree that is

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displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image.

The Office Action (page 7, line 4) asserts that Kekic teaches customizing a screen design for the software system over the network (Column 5, lines 36 - 39). Applicant respectfully submits that this characterization of Kekic's teachings is misplaced. Kekic fails to teach customizing a screen design for the software system over the network; and integrating the at least one software application and the screen design for the application to produce an integrated software system, as recited in claim 48.

Applicant of course acknowledges that Kekic indeed utilizes a graphical user interface (GUI). However, it is simply not seen that Kekic teaches customizing the graphical user interface in any manner so as to teach the claimed invention. Rather, it appears that Kekic is simply using the graphical user interface so as to practice the Kekic invention, i.e., to build element managers and utilize the managed element server in managing computer network elements.

Further, Applicant notes Kekic in column 8, lines 42-49, which was also referenced in the Office Action. Kekic teaches a method for building an element manager for a computer network element includes entering data characterizing the element manager through a graphical user interface of a client computer process. The client computer process uses a visual element manager builder server process to build the element manager using the data. The element manager is stored in a memory on a computer that executes the server process for the client computer process. Applicant submits that this also is simply not seen as Kekic teaching customizing the graphical user interface, but rather it again appears that Kekic is simply using the graphical user interface so as to practice the Kekic invention.

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From a different perspective, a core aspect of Kekic is allowing the user to utilize an intuitive graphical user interface (GUI) not only to build element managers, but also to utilize the managed element server in managing computer network elements, i.e., Kekic teaches a network management system. In contrast, Nierlich is directed to systems that monitor and control energy distribution. Kekic does teach aspects of customization. For example, in column 28, lines 20-24, Kekic teaches the customers can use server 314 and the element manager to monitor/manage the device, or to customize and further refine the network management strategy built into the element manger. However, Applicant submits that such teaching of customization is associated with the essence of the Kekic invention, which is substantially different than Nierlich. Accordingly, Applicant submits that it would not have been obvious for the one of ordinary skill to incorporate customizations of Kekic into the teachings of Nierlich, and that such customizations are different than are recited in the claimed invention.

For at least the reasons set forth above, Applicant submits that the applied art to Nierlich, Anderson and Kekic fail to teach or suggest the claimed features as recited in claim 48. Further, claims 63, 78, 84, 90, 91, 92, 98, 99 and 100 define patentable subject matter for reasons similar to those set forth above with respect to claim 48.

Further, the various dependent claims define patentable subject matter for at least the reasons set forth with regard to the corresponding independent claims, as well as the additional features such dependent claims recite.

For example, amended claim 54 recites the method of claim 48, further comprising creating supplier links for ordering material over the network; and integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system. On page 7, line 10, the Office Action asserts that the proposed

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combination of art would lead to the integrating of at least one software application, the supplier links and the screen design for the application to produce an integrated software system because it would have been determined together (Anderson, Column 5, lines 14 - 17) and combined to provide the additional content to the user system (Anderson, Column 5, lines 17 - 21). On page 6-7, the Office Action asserts that regarding claim 54, Nierlich in combination with Anderson discloses the steps of (o) creating supplier links for ordering material over the network (Anderson, column 5, lines 36 - 38). However, it is simply not seen that Anderson provides such teaching.

That is, in column 5, line 36, Anderson teaches the content sent to the user computer system may further include information regarding availability of hardware and third party products and services that is of interest to the user. The user is then able to make one or more choices from the summary of available products and services, and request that the products be transferred from the service computer 26 to the user computer. Anderson explains that alternatively, the user may purchase the desired product or service from the summary of available products and services. Claim 54 of the present application recites creating supplier links for ordering material over the network; and integrating the at least one software application, the supplier links and the screen design for the application to produce an integrated software system, in combination with a variety of other features. Applicant submits that Anderson fails to teach or suggest such features. Rather, it appears that such teaching of Anderson simply relates to choosing a product to be transferred, for example.

Withdrawal of the rejections under 35 U.S.C. §102 and 35 U.S.C. §103 is respectfully requested.

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Patent Application No. 09/699,400
Attorney Docket No. 57761.000143

B.   The Rejections Based on the Applied art and Murphy

The Office Action rejects claims 55 and 70 under 35 U.S.C. 103(a) as being unpatentable over Nierlich, Anderson and Kekic, and further in view of Murphy (5,768,148).

In particular, claim 55 recites testing the screen design with a dynamic data exchange simulator to ensure functionality. Accordingly, claim 55 goes hand-in-hand with claim 48 and customizing the screen design.

Murphy is directed to a man machine interface for power management control systems and specifically to a utility for rapid development of three dimensional representations of electrical distribution switchgear. In the Abstract, Murphy describes switchgear elevations have logical connections to the switchgear devices. An elevation can be modified to any dimensions with an infinite number of combinations and arrangements of meters and protection devices to quickly and accurately represent a customer's switchgear. Murphy further teaches that an event logger utility is provided for viewing, organizing and analyzing unusual behavior in a power system.

On page 8, the Office Action asserts that Murphy teaches a dynamic data exchange simulator that has the purpose of testing a server system to ensure the correct operation of the system and its communication functions (Column 6, lines 46 - 64); and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a dynamic data exchange simulator Anderson in view of Kekic's system in order to test their server system to provide a more stable test system for the system because it does not involve the network elements. Such teaching of Murphy (in column 6, line 46) relates to a server simulator for simulating supervisory management and control of an electrical distribution system.

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Applicant submits that such teachings fail to teach or suggest claim 55's recited testing the screen design with a dynamic data exchange simulator to ensure functionality. Of note, claim 55 does not generally recite the concept of testing, but recites testing in a particular environment. Murphy fails to teach or suggest such particulars, either alone or in combination with the other applied art.

Further, it is respectfully submitted that even if it were obvious to somehow combine Murphy with the alleged Nierlich/Anderson/Kekic system (as proposed in the Office Action) such would still fail to teach or suggest the features of claims 48 and 63, i.e., so as to cure the deficiencies as described above. That is, Murphy is relied upon for teachings relating to testing a server system. Such teachings of Murphy cannot cure the deficiencies of the other applied art, as discussed above.

Accordingly, it is respectfully submitted that claims 48 and 63 define patentable subject matter for those reasons set forth above. Further, the dependent claims 55 and 70 define patentable subject matter for at least the reasons set forth with regard to the corresponding independent claims, as well as the additional features such dependent claims recite. Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.
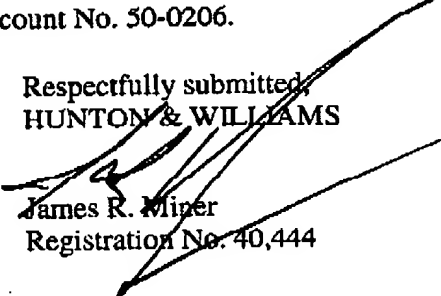
C.   Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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For any fees due in connection with filing this Response the Commissioner is hereby

authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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